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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,826	01/21/2004	Stephen J. Todd	E0295.70200US00	4078
23628 7590 07/02/2007 WOLF GREENFIELD & SACKS, P.C. 600 ATLANTIC AVENUE BOSTON, MA 02210-2206			EXAMINER DARE, RYAN A	
			ART UNIT 2186	PAPER NUMBER
			MAIL DATE 07/02/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/761,826	<b>Applicant(s)</b> TODD ET AL.	
	<b>Examiner</b> Ryan Dare	<b>Art Unit</b> 2186	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Murata, US Patent 6,170,013.

1. With respect to claim 1, Murata teaches a **method of processing data in a computer system comprising at least one host and at least one storage system, the method comprising acts of:**

**(A) sending to the at least one storage system, from the at least one host, a request to store a unit of data, the request including the retention period for the unit of data,** in col. 7, lines 57-61;

**(B) after expiration of at least some of the retention period, determining if a specified event has occurred,** in col. 10, lines 12-28. The Examiner is treating the event of the present claim as the case where the storage system has a newer version of the data. So in this step, when the event has not occurred, i.e. when the server does not have a newer version of the data, the expiration time is extended, as discussed in the above cited section and seen in fig. 3, as step 326.

**(C) when it is determined in the act (B) that the specified event has not occurred, extending the retention period for the unit of data, in col. 10, lines 12-28, as discussed above.**

**(D) repeating the acts (B) and (C) until it is determined in the act (B) that the specified event has occurred, in col. 10, lines 36-43. If the event has occurred, i.e. the storage system has a newer version than the cache, then the extension time updated in accordance with an administrator defined extension period.**

2. With respect to claim 2, Murata teaches **the method of claim 1, wherein the method is for retaining the unit of data for a specified period after the occurrence of an event, and wherein the method further comprises an act of:**

**(E) when it is determined in the act (B) that the specified event has occurred, extending the retention period for the unit of data for a length of time associated with the specified period after the occurrence of the event, in col. 10, lines 36-62;**

3. With respect to claim 3, Murata teaches **the method of claim 1, wherein the method is for retaining the unit of data for a specified period after the occurrence of an event, and wherein the method further comprises an act of:**

**(E) when it is determined in the act (B) that the specified event has occurred, extending the retention period for the unit of data so that the retention period expires the specified period after the occurrence of the event, in col. 10, lines 36-62;**

4. With respect to claim 4, Murata teaches the method of claim 2, wherein the act (C) further comprises an act of:

(C1) extending the retention period for the unit of data for an extended period that is less than or equal to the specified period for the unit of data to be retained after the occurrence of the event, col. 10, lines 50-62.

5. With respect to claim 5, Murata teaches the method of claim 4, wherein the act (D) comprises an act of, each time the act (C) is performed, extending the retention period by a same length of time, in col. 10, lines 36-62.

6. With respect to claim 6, Murata teaches the method of claim 1, wherein the at least one storage system stores at least two different types of units of data including a blob of data and a content descriptor file (CDF), each blob having at least one corresponding CDF that includes metadata relating to the blob, wherein a retention period of a blob is the retention period of its corresponding at least one CDF, wherein the unit of data is a blob, wherein the act (A) comprises establishing the retention period in a first CDF that corresponds to the blob, and wherein the act (C) further comprises:

creating a second CDF that corresponds to the blob and has a retention period that expires after the retention period of the first CDF, in col. 7, lines 25-64, where the header is the "CDF" of the present claim, as it contains the retention period.

7. With respect to claim 7, Murata teaches a method of ensuring that a unit of data, stored on a computer system, is retained until a specified period after the occurrence of an event, the computer system comprising at least one host and at

**least one storage system that stores the unit of data, the method comprising acts of:**

**(A) establishing an initial retention period for the unit of data, wherein the initial retention period is less than or equal to the specified period, in col. 7, lines 57-61;**

**(B) after the expiration of at least some of the initial retention period, determining whether the specified event has occurred, in col. 10, lines 12-28. The Examiner is treating the event of the present claim as the case where the storage system has a newer version of the data. So in this step, when the event has not occurred, i.e. when the server does not have a newer version of the data, the expiration time is extended, as discussed in the above cited section and seen in fig. 3, as step 326.**

**(C) when it is determined in the act (B) that the specified event has not occurred, performing acts of:**

**(C1) extending the retention period for the unit of data for an extended period that is less than or equal to the specified period, in col. 10, lines 50-62; and**

**(C2) after the expiration of at least some of the extended retention period, determining whether the specified event has occurred and when the specified event has not occurred, returning to the act (C1), and when the specified event has occurred, proceeding to the act (D), in col. 10, lines 12-28, as discussed above; and**

**(D) when it is determined in either of the acts (B) or (C2) that the specified event has occurred at a time, extending the retention period so that the retention period expires the specified period after the time at which the event occurred, in col. 10, lines 36-62**

8. With respect to claims 8-13, Applicant claims a computer readable medium encoded with instructions that perform the method of claims 1-6, and is therefore rejected using similar logic.

9. With respect to claim 14, Applicant claims a computer readable medium encoded with instructions that perform the method of claim 7, and is therefore rejected using similar logic.

10. With respect to claims 15-20, Applicant claims a host computer for use in a computer system that includes the host computer and at least one storage system, the host computer comprising means for performing the method of claims 1-6, and is therefore rejected using similar logic.

11. With respect to claim 21, Murata teaches the host computer of claim 15, in combination with the at least one storage system, in col. 4, lines 37-45.

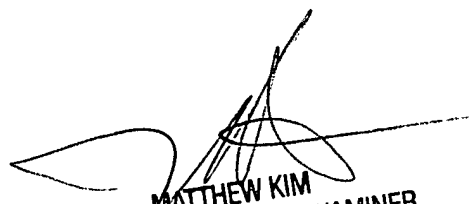
### ***Conclusion***

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Dare whose telephone number is (571)272-4069. The examiner can normally be reached on Mon-Fri 9:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (571)272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan Dare/  
Ryan Dare  
June 25, 2007



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